

UNITED STATES DISTRICT COURT

for the

Clerk, U.S. District Court
Southern District of Texas
FILED

MAY 20 2015

SOUTHERN

United States of America

v.

Case No. C-15-621M

David J. Bradley, Clerk of Court

ORNELAS, Brian

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 5/19/2015 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841(a)(1)

Knowingly, intentionally and unlawfully
possess with intent to distribute a
controlled substance in Schedule II of
the Controlled Substance Act of 1970 to
wit: 11.44 kilograms (AGW) of cocaine.

This criminal complaint is based on these facts:

See Attachment "A"

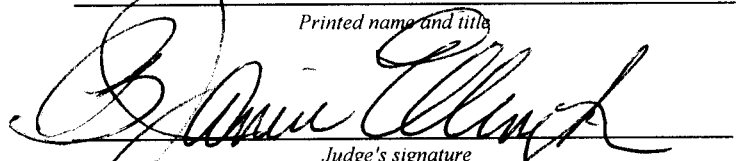
☒ Continued on the attached sheet.

Complainant's signature

Cris Gracia Pendleton, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/20/2015

Judge's signature

City and state: Corpus Christi, Texas

B. Janice Ellington US Magistrate Judge

Printed name and title

ATTACHMENT "A"

ORNELAS, Brian

On May, 19, 2015, BPA Tista was working at the United States Border Patrol Checkpoint located 13 miles south of Falfurrias, Texas. At approximately 2200 hours a Greyhound Bus #64031 was sent to secondary for immigration inspection of its occupants. BPA Railey and her service canine "Nicky-F" conducted a non-intrusive air sniff of the exterior of the bus. BPA Railey notified BPA Tista her service canine "Nicky-F" was alerting and indicating to a blue duffle bag located in the undercarriage of the bus. BPA Tista noticed the duffle bag had a property slip attached with the name Brian ORNELAS. BPA Tista proceeded to question everyone inside of the bus in order to find a match. BPA Ramos yelled out "Is there a Brian ORNELAS on the bus". No one answered, BPA Ramos called out four times for a Brian ORNELAS and no one answered. BPA Tista began to conduct his immigration inspection when BPA Tista encountered a subject that would not make eye contact as he stated his citizenship. BPA Tista asked the subject (later identified as Brian ORNELAS). If he had any form of identification. ORNELAS hand BPA Tista a Texas Identification Card which read the name Brian ORNELAS. BPA Tista questioned ORNELAS why didn't he answer when his name was being called out.

ORNELAS stated he didn't answer because he doesn't have a duffle bag in the undercarriage of the bus. BPA Tista asked ORNELAS to step outside in order to further the investigation. ORNELAS agreed and was shown the blue duffle bag. ORNELAS stated it wasn't his bag even though his name was written on the bag slip. ORNELAS opened the duffle bag and said these are his clothes but not his bag. ORNELAS apologized for saying it was his clothes and stated it wasn't his clothes or his bag. BPA Railey opened the bag further and noticed several bundles (later identified as Cocaine) inside of the duffle bag. BPA Tista asked ORNELAS for his bus ticket since the slip has the ticket number written on it as well. ORNELAS began to look for his bus ticket but stated he had lost his bus ticket. The bus driver was asked for his manifest and noticed a ticket for Brian ORNELAS. When compared the bus ticket and the baggage slip had

the same numbers. At this time Brian ORNELAS was placed under arrest and taken inside the Checkpoint.

A total of 10 bundles of cocaine wrapped in clear cellophane were discovered with a total weight of 11.44 kilograms.

Once inside the checkpoint BPA Tista read ORNELAS his rights in his preferred language of English as per I-214 at approximately 2225 hours. ORNELAS stated that he understood his rights and signed the form accordingly. BPA Ramos witnessed the signing of the forms.

ORNELAS stated he acknowledged why he was arrested and appeared worried. BPA Tista asked ORNELAS where and how much was he going to be paid to smuggle the cocaine. ORNELAS stated he was going to be paid \$13,000.00 for delivery to Houston, Texas. ORNELAS stated he knew it was illegal to transport narcotics. ORNELAS stated he needed to catch up on his child support payments and needed the money. ORNELAS stated he is willing to cooperate in order to get a reduced sentenced.

On May 20, 2015 TFO Ramirez and TFO Brosig responded to the Falfurrias Border Patrol Checkpoint and assumed the investigation regarding the arrest of ORNELAS. TFO Ramirez read ORNEALS his Miranda Rights witnessed by TFO Brosig. ORNELAS advised that he understood his Miranda Rights but did not want to speak to Agents without the presence of an Attorney. No further questions were asked regarding the cocaine located in ORNELAS bag.

AUSA Mike Hess was contacted and verbally authorized federal prosecution of ORNELAS, Brian.

ORNELAS was transported to the Coastal Bend Detention Center for overnight detention.

The amount of cocaine seized 11.44 kilograms infers intent to distribute.